

BOARD OF ADJUSTMENT MEETING HELD IN THE COUNCIL CHAMBERS OF COTTONWOOD HEIGHTS AT 6 P.M. ON OCTOBER 12, 2006.

Members Present: James Adinaro, Bob Wilde, Farrell Jensen, James Holtkamp, Paul Throndsen, Noor Ul-Hasan

Staff Present: Associate Planner Glenn Symes, Planning Coordinator Sherry McConkey

Excused: Debbie Tyler,

Other Present: Nathan Harris, Charlie Moore

Chair Jensen called the meeting to order at 6:00 pm.

1.0 **PUBLIC COMMENT**

1.1 No public comment was given.

2.0 **PUBLIC HEARING – VARIANCE – SPECTRA CONSTRUCTION**

2.1 Mr. Symes explained that staff had received a request from Charles Moore for a front setback variance from 25 feet to 15 feet on property located at 7537 S. Prospector Drive due to a significant slope and large public utility easement. Mr. Symes noted staff had held back on two other properties associated with this application due to the need of additional information. Mr. Symes stated that staff was recommending approval of the front yard setback variance; the request meets the requirements of a variance;

1. Staff feels that the literal enforcement of the R-1-8 ordinance, specifically to front setbacks, may cause an unreasonable hardship on the applicant. By reducing the front setback to 15 feet, staff feels that the intent and the general purpose of the land use ordinance could still be followed and this applicant would still be able to develop the site where otherwise he may not.
2. In the case of this variance, there may be special circumstances that staff feels do not apply generally to the R-1-8 zoning district. Staff feels that the lot being considered in this application is unique due to both the public utility easement and the steep slopes. Public utility easements are typically aligned along the edges of properties and rarely located through the middle. Staff feels that the location of the easement was established based on topography prior to the consideration of development of the properties along Prospector Drive. Staff believes this case is specific, and not general to the entire zone. Although there are other lots in the R-1-8 zone that have steep slopes associated with them, staff feels that in order to protect the stability of the slope and the sensitive nature of the land a variance is desirable to protect the health, safety and welfare of the community and the natural environment in which the community is set.
3. Denying this applicant's variance request may, in staff's opinion, deny this resident of a substantial property right enjoyed by others in the same zone. There are many other homes built in similar

geologic environments and staff feels that granting this variance would allow the property owner to enjoy similar property rights.

4. Staff feels that granting this variance may not substantially affect the general plan, and may not be contrary to the public interest. Staff feels that the general plan sets out goals to mitigate the effect of hillside development and the disturbance of sensitive lands. Staff feels that the general plan would not be substantially affected and that the variance would be consistent with the goals of the general plan protecting sensitive lands.
5. Staff feels that the spirit of the land use ordinances of the city of Cottonwood Heights will not be jeopardized by the granting of the variance. Staff feels that the land use ordinance would be observed by protecting sensitive lands.

2.2 Charles Moore, Spectra Construction, explained that the front yard setback variance would allow him to build on property that otherwise would be unbuildable.

2.3 Chair Jensen opened the public hearing.

2.4 Nathan Harris expressed concern that the proposed change would add to the existing traffic problems on this street.

Mr. Symes explained that the easement on the property could absorb the additional parking and therefore would not create an additional burden on traffic.

2.5 Chair Jensen closed the public hearing.

2.6 **MOTION:** Mr. Wilde moved to approve the request for a front yard setback variance for property located at 7537 S. Prospector Drive from 25 feet to 15 feet; the applicant has met the variance requirements. The motion was seconded by Ms. Ul-Hasan and passed unanimously on voice vote.

### 3.0 APPROVAL OF MINUTES

3.1 Mr. Holtkamp moved to approve the minutes for August 10, 2006. The motion was seconded by Mr. Wilde and passed unanimously on voice vote.

### 4.0 ADJOURNMENT

4.1 Mr. Wilde moved to adjourn. The motion was seconded by Mr. Throndsen and passed unanimously on voice vote.

The meeting adjourned at 6:12 p.m.

Approved: 12/4/06 sm